

PRESENT Leah Smith, Bea Phear, Ginny Jones, Amy Upton, Matt Merry.

The names below are listed as they appeared on the Zoom screen. Several were identified as phone numbers, while others were not identifiable.

ALSO PRESENT Julie Humphreys, Prudy Burt, Deborah Wells, Doug Ruskin, Deana McDermott, Paul Rashba, Whit Griswold, Ron O'Brien, Joanne, George Sourati, Samantha Look, Paul Raskin, Reid Silva, Scott Lajoire, Katy Upton. Sheila Morse, Doug Hoehn, Michael Barklay, Perry Ambulose, Joan Crawford, Mazen Sehr, Heikki Soikelli., Nikki Patton, Falicity Russell, John Abrams, Nick Waton, Hillary Moore, Elaine Miller, Ivory Littlefield, Stuart Allen, Rob @ Hutker, Dereck Avakian, Hugh Weisman, Joe Young, Drew, Adam deBettencourt, Nick Winton, Colin Wyte, David Gorenberg, Rachel Sorrentin, Alison, Bob Johnston, Chris Murphy, Wesley Look, Matt Cramer, Eric Dory, Heather, Marc Rosenbaum, Tom, Jane Rossi.

Leah opened the meeting at 5:30

●Presentation from the Preserve West Tisbury Committee

Ginny provided an introduction and thanked the Preserve West Tisbury Committee for all of their hard work. Leah also complimented the committee for all they have put into their proposal.

Samantha Look, Chair of the Committee, thanked everyone for being present and named the members of the committee. She said they have been working for over two years on the proposal, have worked with other towns and have spent a lot of time drafting and seeking comments from several groups and entities. She said the committee is present to listen to the public and hear their areas of concern.

Samantha (Sam) displayed the Power Point presentation and explained that the first slide shows a data chart and the data was gathered before the committee was formed regarding average house size and average lot size. The next was average house size over time showing a trend toward bigger houses. The next was a map showing communities around the country that either have or are considering similar limits. We are not alone in thinking this through. The next slide asked "why are we doing this", listing some concerns from the committee. Samantha explained that since the onset of Covid 19, and for several other reasons, we have seen rapid growth in town. This bylaw would provide the town with tools. Lastly, bigger houses tend to consume more energy and the goal of the town is to be 100% renewable by the year 2040. The last slide provided goals from the Master Plan.

How the bylaw would function: Samantha said it is similar to Chilmark. The committee compared the two towns and decided to start from scratch with the framework Chilmark has in place. The key points are floor area limits on residential structures including principal dwelling units, subordinate dwellings, screened and enclosed porches, detached bedrooms, seasonal camps, pool houses, attached garages and indoor sports facilities.

Gross Floor Area: Currently the Building and Zoning Inspector measures from the exterior of the structure but they have received some feedback on that. Some feel the structure should be measured from the interior, since structures are becoming more heavily insulated and require more space for the insulation.

The slide on Exclusions from the bylaw would be deed restricted accessory apartments, non-habitable attic space, open porches and decks, accessory structures used exclusively for agriculture, non-habitable structures under 200 square feet and the Multi-Family Housing bylaw permitted in cases where 100% of the houses are affordable.

The 3 Acre Example slide explained the size and or borrowing of square footage.

The next slide showed the lot size and the allowance for structures which allows an owner to borrow from the house size to make the accessory non-habitable structure larger. However, you cannot borrow from the accessory structure to increase the size of the main house.

The Special Permit option is for a house of more than 3500 square feet, and the applicant would apply to the Planning Board for a review.

The Energy Performance Requirement was explained. However, Samantha said this section still needs some work.

Samantha said she felt the numbers are still fairly big, while some may feel they are not big enough. She said she hoped there was a place we can meet in the middle.

Discussion:

Hilary Moore said she is a resident and works in construction. She sees this hurting her and her wealthy clientele. She would have to go through a lot of permitting which she cannot afford, further explaining that people are trying to make a living while living within their means. Samantha said that as far as expense, the hope is that it would not be a lengthy process. She said Chilmark is required to review their bylaw every two years to make changes as needed.

The process for Chilmark's applicants did not become lengthy. Amy confirmed that statement, and added that they just want to make sure the Planning Board will continue to have an easy go of it when reviewing projects.

George Sourati said there is a difference between the Chilmark bylaw and the WT proposal. For one, the screened porch isn't included in the Chilmark bylaw but is in WT. Also, Chilmark allows basements. Bruce said the intent on the screened porch was because they were addressing mass. They were trying to encourage people to break down construction into smaller pieces. Reid Silva said he would welcome everyone to think about these aspects because the committee needs input from the public. He said Chilmark is different than West Tisbury. There is no perfect answer other than the desire to make it right for the town. Whit agreed and added that more input is better. Bruce pointed out that the Building Inspector will have a certain amount of discretion when reviewing plans as he always has.

Doug Ruskin thanked the committee for all the work they have put into the project. He said he had two comments. Energy use may be a concern, and he would argue that the goal for 2040 requires that those issues be taken seriously. He said that we have to keep energy requirements spelled out independent of how a structure is measured.

Doug said that a 1500 square foot house and a 4000 square foot workshop enlarged by "borrowing" square footage would create a very large workshop. He was not sure what they are trying to achieve in terms of mass. Samantha said it is great to hear about the measuring comments and structure requirements, all are very helpful.

Marc Rosenbaum said as follows:

A lot of middle-class houses are on small lots and they should not be restricted. Many of these lots pre-exist zoning. He also said it seems there should be a limit on floor area. We need to ask if someone should have a huge house because they have a large lot. He said these houses are always visible, and the size should be limited. It's not just energy in the house, it's the outside aspects as well. He added we could follow Boulder County, where a certain size triggers net-zero capacity. Bruce said that regarding smaller lots, it's hard to believe the planning board is going to give anyone a hard time about putting on an addition for a kitchen. Heikki said he doesn't think the limit is onerous at all. It's a good thing to have a review because a larger house is going to impact the neighbors. Ivory Littlefield said there is by right is a 5% increase by right without a review. If you have a small lot that is by right. Leah said the Planning Board is not out to make life difficult for people, they have modest lots too.

Bruce said he is on a small lot and he works from his house so he understands. Matt said based on his experience on the committee, this bylaw does give the board tools and the ability to make things work better. Leah agreed and said the board's hands have often been tied when it comes to regulating. This will help neighborhoods retain their character. Amy said the bylaws as now written are antiquated and outdated and they don't consider the kinds of projects that are coming before the Planning Board today. As the newest member of the board, she feels we are in dire need to be better equipped with tools to do our job. Currently we can only weigh in marginally.

Heikki said a 3500 square foot house is allowed by right and, for example, a 5000 square foot house can be applied for by special permit. Reid Silva said the gradation speaks directly to Hilary, there are plenty of applications in Chilmark and it's not just for large houses, they are for things such as kitchen additions that might be an additional 400 square feet and the applications are coming in monthly. It's not that there is a line in the sand, the question is what is the intent and are we going to achieve the same goal. He explained that someone may have 50 acres and build a 7000 square foot house in the middle of the lot, while someone else may have a 5 or 6000 square foot house on Great Plains Road. It is going to change the character of the development.

John Abrams complimented the committee on their stellar work. He said it is hard to imagine that the majority of the people in this room would not be allowed by right to their house projects with these bylaws. He agrees with Marc about the HERS ratings. The Housing Bank requires that all houses under new construction meet net zero energy. If we can do that with affordable housing, we can certainly do that here. We must do this with luxury housing. Secondly, with the multi-family bylaw requiring 25% affordable doesn't seem quite right. 100% affordable is tough because sometimes you need a market rate house to make the other three affordable houses work. He would suggest 75%. Bea said the multi family bylaw always requires a special permit so it is up to the Planning Board whether or not to allow it. The 25% is not the number of units, it is the number of bedrooms so you can't have one tiny affordable house and 3 huge mansions. She would encourage keeping the 25% and allow the Planning Board to do its job.

Bob Johnston said he appreciates all the time invested in this important topic with respect to the future of the town. He said he agrees with Marc that the town should draw the line just how large a structure can be permitted regardless of the number of acres it sits on. There are too many ways, even with this formula, to fail to achieve our goals with respect to the town. Secondly, and this is a bit of a wild card, he agrees with Sam that these numbers are generous, but they seem to be based on an assumption that people are trying to get as much square footage out of whatever acreage they have. There might be a reverse equation that the town might want to show their intent for "smaller is better", literally in keeping with the spirit of the Vineyard and what this committee and this meeting is all about. He said for example, I live on 3 acres and

originally built a 704 square foot house. My wife and I later added 96 square feet and we don't feel it is too small. It has put us more in touch with the town and the environment.

Ben Hall asked if there had been a background study conducted to try to understand where we are now. He worries about regulation where the basis for the regulation is not directly related to the data and becomes more wishful thinking. The board and committee are on to some good ideas, but he worries about the particulars of any regulation, being an attorney and working in that area on a daily basis. He has been hearing from people that on an acre of land it's easy to quickly exceed the threshold. When you design a regulation, what you set is what you expect to get. So, in other words, it's not clear to him if you have a house, and you have a guest house that was built prior to 3 acre zoning, a 2000 square foot house is an average space and that's not exceedingly large, now someone wants to expand but they are limited. These are preexisting lots. Now they will need to go for a permit to the ZBA. Leah pointed out that under the new regs you would go to the Planning Board. Ben said that under the new regulations you will still have to go to the ZBA for non-conformity as well. It seems to be an awful lot of regs : he would ask that the 5% should be closer to 20% because if you have 2000 square foot house and a guest house on the property, a 400 square foot addition shouldn't be problematic. 5% is really tying the hands of people buying the property that now has all these limits. I feel there should be a lot more consideration. I think the treatment of basements should be considered more. The community doesn't really see it and some want to turn it into a rumpus room. I would urge consideration of finished basements. Relating to smaller lots, if you are having to shoot for Net Zero and you are in a heavily wooded area, a lot of trees are going to have to come down. I think that should be considered in the energy requirements. I hate to have to trim out trees to gain solar access. Leah said Sam did give a presentation in the beginning of the meeting relating to his comments and suggested he get that information.

Adam deBettencourt asked about the data about increasing house sizes. He wondered how many of those houses were built over the last 5 or 10 years. How often have larger houses been built on any size lot? Heikki remembered a figure of 18+ over the last couple of years. Sam said in Chilmark they saw about a 40 percent change and they felt regulation was needed. This proposal is about having the tools to review houses that are getting bigger and the overall scope of projects, including landscaping, grading, trucking, impacts on the neighbors and the habitat. For example, the Foster project created alarm among the neighbors, not just the building but the project's impact on the land. It's important for the town to have a voice. Amy said the Foster project caused a "how did this happen in this town" reaction. With the existing bylaws the B&Z inspector can only say, for example, the house is within the height limit. Town planners need more tools to assess building projects' impact.

Chris Murphy agreed that this proposal is a job well done. From the beginning he had hoped for lower numbers in Chilmark but it's working. In Chilmark, the board reviews a big house at least every other meeting. From his point of view, the review is not difficult, it is straightforward: they go down the check list and it's done. Also, to have a more public review of a house that is going to have a major impact on the neighborhood is good. What got Chilmark to introduce its bylaw was construction of a house in a very public place. Also, he pointed out that it important to have a deed restriction so that when the project is complete you can't turn around and sell off 3 acres. This has not affected real estate values.

Paul Rashba, who was on the committee in the beginning, thanked the committee and the PB. and said that this is needed. He supported using the inside measurement rather than the outside. Also, the porch should be excluded from the total size. For the additional 2000 square feet, does that include a guest house or something else? Sam said it is a non-habitable accessory structure. Paul said you can have a house and guest house and a large non-habitable structure? Sam said it depends on the size of the lot and Amy pointed out that 4.5 acres is required for a guest house.

Cody Coutinho commented on the walk out basement. He said a basement finished or unfinished is going to exist, so if you define it according to how finished it is, people will find a work-around in order to get past the bylaw. He would not include this provision since the basement is the most energy efficient space in the house since it's underground. Also, regarding the multi-family housing, if you have double acreage you are allowed two full size dwellings. If someone has 6 acres and they can't afford to build a house big enough to house their entire family, and their children can't afford a lot, and they don't make enough to buy anything yet they make too much to qualify for affordable housing, how does this work? Sam said it was considered and the way it is written is that if you have enough acreage to build however many full-sized houses, this doesn't stop you from doing that. It does mean that you have to use the acreage to get the extra size. If you had 6 acres it might mean having to go for a special permit, but the intent is not to make the special permit process onerous. It is there to catch the projects that do need special review. But in a situation where the family wants to build a second house for the next generation, she expects that the Planning Board would grant a special permit. Bruce said the committee had discussed this quite a bit and some clarification may be needed.

Regarding basements, Bruce said the basement part is something they discussed and even considered leaving it out because that would be easier. "What we are saying is that if you have a wall with a certain amount of glazing then maybe that needs to be included. Yet we kept coming back to whether the house looks more like a three story than a two story, that was our thinking. We are not trying to penalize people for finishing their basements, it's a question of at what point does it become no more of a basement and more a part of the house that is emerged

from the ground.” Heikki said one of the issues about basements is egress. One of the main reasons for that language is visibility. Visible basement walls (a minimum of 4 feet above grade) affect abutters and views from abutting acres. The glazing issue may become an issue when being viewed from ponds or public ways. The committee discussed it quite a bit. We tried to include basements while having architects and designers really think about the impact the basement and the glazing will have on the public. Leah said that was important. Bruce said part of our consideration is giving it to Joe and having him determine if its finished or not so this give a more concrete criteria to make his determination. Cody said people may build a mound around their house to get around the bylaw. Amy said people so try this; the Planning Board won’t catch everything but does need a little more oversight. Even though nobody likes to be told what they can and cannot do on their property.

John Abrams added one more comment on screened porches: these days they often have fireplaces and glass enclosures and essentially become living rooms, so the committee has it right. Heikki said the bylaw has to be read as a whole-no part stands alone, and parts of the bylaw are complementary to each other.

Leah suggested any further comments be addressed to Jane or Samantha and she added there will be an edited draft prepared for the public to review soon. There is time for another discussion and a formal Public Hearing before the town meeting. She thanked the press and the public.

ZBA Referrals:

Ginny commented on the BenDavid application stating that we need to know what is going into our ground water. Jane will draft the letters to include our conditions. Bea moved, and Ginny seconded. Amy-yes, Bea-yes, Matt-yes, Ginny-yes, Leah, yes.

Further Discussion:

Amy asked if we could set the date for the public hearing. Jane said we have to send the language to the Select Board and we can post after that happens. Also, we need the final bylaw. Matt said the committee needs to adjust some things and have another public presentation. Amy said if we don't post it there may be a stampede of applications. Matt said that is going to happen anyway but the language needs to be updated. Bea suggested the committee listen more and respond less.

Marc Rosenbaum commented that one of the ZBA applications that was just mentioned would trigger this review and it doesn't feel right to him. Also, when the town adopted 3-acre zoning, with 50 foot setbacks, preexisting smaller lots were squeezed. Almost anyone wanting

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to do something on these lots is most likely going to have to go to the ZBA. That doesn't seem right to him. Also, an allowance of a 5 % size increase is kooky for someone who has a 900 square foot house. Matt said he agreed but some houses on small lots have far exceeded that size and the board wasn't able to comment. There is a need for the board to be able to say your size is out of character with the neighborhood.

Adjourned at 7:25 pm

Respectfully submitted,

Jane Rossi, Board Administrator

**Approved on February 14, 2022 Ginny-yes, Leah-yes,
Bea-yes, Matt-yes**